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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,391	03/07/2001	William J. Infosino	3493.00180 (IDS2000-0251B)	4044
7590 06/15/2004			EXAMINER	
Samuel H. Dworetsky AT&T CORP. P.O. Box 4110 Middletown, NJ 07748-4110			TANG, SON M	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,391

Applicant(s)

INFOSINO, WILLIAM J.

Examiner

Son M Tang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 7 is objected to because of the following informalities: sentence with words "activating deactivating" in line 10 is meaningless. Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myllymaki [US 6,348,867] in view of Pauley et al. [US 4,952,913].

Regarding to claim 1: Myllymaki discloses a home resource controller system comprising:

- a transmitter [11] periodically emitting a unique signal;
- a base station [12] containing a receiver [6] said base station containing a processor [8];

a base station database containing at least one unique record, said unique record correspond to said a wrist-held device specific ID code as same as user (household) ID code [as shown in Fig. 1-4 col. 3, lines 40-55];

- wherein the unique signal emitted by said transmitter is of sufficient strength to be received by said receiver only when said transmitter is in close proximity of said receiver range [cited in col. 4, lines 12-15], Myllymaki does not specifically disclose that base station database

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records a receipt of said unique signal and records a failure to receive said signal in a predetermined time. It is clear that, the method of determining the presence/absence of user, from the received or failure received signal in a predetermined time, and recording the event is known in the art of Pauley et al. [as cited in Fig. 1, col. 5, lines 30-39] wherein the "leave" message is the failure of receiving signal for a selected time interval [as cited in col. 9, lines 24-35]. Therefore, it would have been obvious of one having ordinary skill in the art at the time the invention was made to have a record of received or failure received signal in the database as taught by Pauley et al. into the system of Myllymaki, for benefit of future tracking or investigating the time event.

Regarding to claim 2: Myllymaki and Pauley et al. disclose all the limitation as described above, Myllymaki further discloses that temperature in the home automatically can be adjusted to a predetermined level according to a presence of a household member [as cited in col. 4, lines 25-32, col. 1, lines 43-50].

Regarding to claim 3: Myllymaki and Pauley et al. disclose all the limitation as described above, Myllymaki further discloses that the security system is automatically activated if the user has left the area [as cited in col. 4, lines 9-17].

Regarding to claim 4: Myllymaki and Pauley et al. disclose all the limitation as described above, Myllymaki further discloses that the security system is automatically deactivated if the user is in the area with the wrist-held transmitter 11 [as cited in col. 4, lines 52-59].

Regarding to claim 5: Myllymaki and Pauley et al. disclose all the limitation as described above, they fail to specify that the home resource system controller comprises means

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for manual operation of the system. It is clear that, automatically operation of the system is an improvement of an existed manually operation. Therefore, it would have been obvious of one having ordinary skill in the art to recognize that the manual operation means (switch) is in the system, in order to turn on/off or programming the system.

Regarding to claims 6-7: The claimed method steps are interpreted and rejected as rejection stated above.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rye et al. [US 6,229,466], Curwen et al. [US 6,567,055], Ueyama [US 6,603,401] and Marsh [US 6,057,759].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M Tang whose telephone number is (703)306-5970. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (703)308-6730. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

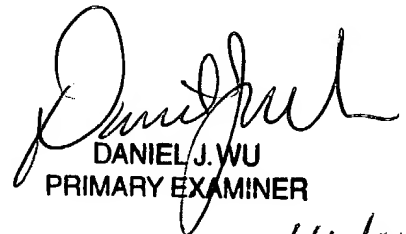
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Son Tang


DANIEL J. WU
PRIMARY EXAMINER
6/12/04